



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption In Compliance With D.N.J. LBR 9004-1(b)

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Order Filed on August 29, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

VARUN MALIK,

Debtor.

Case No. 22-11708 CMG

Judge: Hon. Christine M. Gravelle

Chapter 11

**ORDER (1) ENFORCING COURT ORDER DIRECTING SWATI BHATHEJA A/K/A
SWATI MALIK TO PRODUCE DOCUMENTS AND APPEAR AT A 2004
EXAMINATION; (2) ENFORCING COURT ORDER DIRECTING GLENWOOD
OFFICE FURNITURE II TO PRODUCE DOCUMENTS AND APPEAR AT A 2004
EXAMINATION; (3) SETTING DATES FOR THE CONTINUED 2004 EXAMINATION
OF VARUN MALIK AND COMPELLING VARUN MALIK TO PRODUCE
DOCUMENTS; (4) EXTENDING TIME TO CHALLENGE THE DISCHARGEABILITY
OF CERTAIN DEBTS; AND (5) GRANTING OTHER RELATED RELIEF**

The relief set forth on the following page numbered two (2) through four (4) is hereby

ORDERED.

DATED: August 29, 2022


Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Varun Malik

Case No.: Case No. 22-11708 CMG

Caption: Order (1) Enforcing Court Order Directing Swati Bhatheja a/k/a Swati Malik To Produce Documents And Appear At A 2004 Examination; (2) Enforcing Court Order Directing Glenwood Office Furniture II To Produce Documents And Appear At A 2004 Examination; (3) Setting Dates For The Continued 2004 Examination Of Varun Malik And Compelling Varun Malik To Produce Documents; (4) Extending Time To Challenge The Dischargeability Of Certain Debts; And (5) Granting Other Related Relief

THIS MATTER having been opened to the Court on the Motion of Fulton Bank, N.A. (the “Fulton Bank”), by and through its counsel Duane Morris LLP for the entry of an Order (1) Enforcing Court Order Directing Swati Bhatheja a/k/a Swati Malik To Produce Documents And Appear At A 2004 Examination; (2) Enforcing Court Order Directing Glenwood Office Furniture II To Produce Documents And Appear At A 2004 Examination; (3) Setting Dates For The Continued 2004 Examination Of Varun Malik And Compelling Varun Malik To Produce Documents; (4) Extending Time To Challenge The Dischargeability Of Certain Debts; And (5) Granting Other Related Relief (the “Motion”)¹; it appearing that Glenwood Office Furniture II (“Glenwood Office”) and Swat Bhatheja a/k/a Swati Malik (“Swati”), by and through their attorneys Hartmann Doherty Rosa Berman & Bulbulia, LLC, having each filed Cross-Motions for the Entry of an Order Quashing Fed. R. Bankr. P. 2004 Subpoena (the “Glenwood Office Cross-Motion” and “Swati Cross-Motion”, respectively, and the Court having considered the pleadings in support of the Motion; and the Court having considered opposition to the Motion, the Glenwood Office Cross-Motion and the Swati Cross-Motion; and the Court having considered oral argument at the hearing conducted on August 23, 2022; and the Court having entered an order on August 24, 2022 denying the Swati Cross-Motion (Dkt. No. 154); and good and sufficient cause existing for entering the within Order;

It is hereby ORDERED as follows:

¹ Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

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Debtor: Varun Malik

Case No.: Case No. 22-11708 CMG

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1. Fulton Bank's Motion is granted as set forth herein.
2. Glenwood Office shall provide the Glenwood Documents to Fulton Bank's counsel on or before September 9, 2022.
3. Glenwood Office's counsel shall coordinate with Fulton Bank's counsel the scheduling of Ravi Uppal and/or Tim Quill's 2004 Examination for a date shortly after September 9, 2022.
4. Glenwood Office shall issue payment to Fulton Bank in the amount of \$1,000 and delivered to Fulton Bank's counsel within five (5) days of the entry of this order as a sanction on Glenwood Office for failing to comply with the Glenwood 2004 Order.
5. The Glenwood Office Cross-Motion be and hereby is denied.
6. Swati shall provide the Swati Documents to Fulton Bank's counsel on or before September 9, 2022.
7. Swati's counsel shall coordinate with Fulton Bank's counsel the scheduling of Swati's 2004 Examination for September 12, 2022, if Swati is available, and Swati's appearance at the September 14, 2022 hearing on Fulton Bank's motion to convert the chapter 11 case to chapter 7 (the "Conversion Motion").
8. The Debtor's counsel shall advise Fulton Bank's counsel on or before September 1, 2022 as to whether the Debtor will be proceeding with a settlement.
9. The Debtor shall provide to Fulton Bank on or before September 1, 2022 copies of his Union Bank of India Bank Statements for the years 2018 to the present or Bank Statements

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Debtor: Varun Malik

Case No.: Case No. 22-11708 CMG

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associated with bank account number 2174 at the Union Bank of India or in the alternative, a certification stating the reason that the Bank Statements cannot be produced along with the Union Bank of India contact person name, address and telephone number.

10. In the event that counsel referenced in paragraph's 3 and 7 hereof are unable to coordinate a date for scheduling the 2004 Examination or Swati's appearance at the hearing on the Conversion Motion, the Court will permit the scheduling of a telephonic hearing to resolve same.

11. A continued hearing on the Motion shall be scheduled for September 14, 2022 at 9:00 a.m.

In re:
Varun Malik
Debtor

Case No. 22-11708-CMG
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Aug 29, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 31, 2022:

Recip ID	Recipient Name and Address
db	+ Varun Malik, 21 Maida Road, Edison, NJ 08820-2531

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 31, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 29, 2022 at the address(es) listed below:

Name	Email Address
Brian W. Hofmeister	bwh@hofmeisterfirm.com J119@ecfbis.com
Brian W. Hofmeister	on behalf of Trustee Brian W. Hofmeister bwh@hofmeisterfirm.com J119@ecfbis.com
Bruce H Levitt	on behalf of Debtor Varun Malik blevitt@levittslafkes.com sslafkes@levittslafkes.com;lspcattorneys@gmail.com;hbr69524@notify.bestcase.com;lsbankruptcynotices@gmail.com
Denise E. Carlon	on behalf of Creditor PNC Bank National Association dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Eamonn O'Hagan	on behalf of Creditor U.S. Small Business Administration eamonn.ohagan@usdoj.gov
Jill Manzo	

District/off: 0312-3

User: admin

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Date Rcvd: Aug 29, 2022

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor HSBC Bank USA N.A. bankruptcy@fskslaw.com

Joseph M. Shapiro

on behalf of Plaintiff Varun Malik jshapiro@middlebrooksshapiro.com

Margaret Mcgee

on behalf of U.S. Trustee U.S. Trustee maggie.mcgee@usdoj.gov

Mark E. Hall

on behalf of Spec. Counsel Fox Rothschild LLP mhall@foxrothschild.com, cbrown@foxrothschild.com

Morris S. Bauer

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Morris S. Bauer

on behalf of Defendant Fulton Bank N.A. MSBauer@duanemorris.com, tjsantorelli@duanemorris.com

Paul S. Doherty, III

on behalf of Unknown Role Type Swati Bhatheja pdoherty@hdrbb.com

Paul S. Doherty, III

on behalf of Unknown Role Type Ravi Uppal pdoherty@hdrbb.com

Paul S. Doherty, III

on behalf of Unknown Role Type Glenwood Office Furniture II pdoherty@hdrbb.com

Rebecca K. McDowell

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Robert P. Saltzman

on behalf of Creditor HSBC BANK USA N.A. dnj@pbslaw.org

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 17